

**Rec'd PCT/PTO 15 NOV 2006**

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re United States Patent Application of:**

**Applicant:** Kosutic, Gordana et al.

**Application No.:** 10/562,478

**Date Submitted:** December 22, 2005

**Title:** MIXTURES OF CALCITONIN  
DRUG-OLIGOMER  
CONJUGATES AND  
METHODS OF USE IN PAIN  
TREATMENT

**Docket No.:** 014811-  
487.114US

**Examiner:** Unassigned

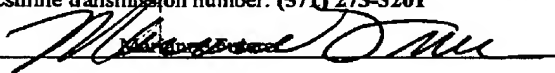
**Group Art Unit:** Unassigned

**Customer No:** 24239

**FACSIMILE TRANSMISSION CERTIFICATE**

Fax No.: (571) 273-3201

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, to United States Patent and Trademark Office facsimile transmission number: (571) 273-3201



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November 15, 2006

Date

**SUPPLEMENTAL RESPONSE TO NOTICE TO FILE MISSING PARTS  
IN U.S. APPLICATION NO. 10/562,478**

Mail Stop PCT  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the November 13, 2006 Notification of Defective Response, applicants make the following remarks.

TRI1031247v1

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According to the Office, Applicants have not properly responded to filing of Oath and Declarations and the Office cited MPEP Section 201.03(II)(B). Initially it should be noted that the section cited by the Office relates to the procedure for Correction of Inventorship in an Application. Applicants are not attempting to correct inventorship. Furthermore, the section cited by the Office and a specific sentence was taken out of context and mistakenly construed.

The section cited by the Office states the following:

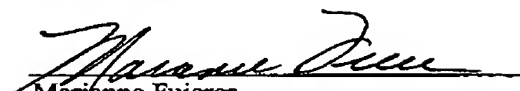
"An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. *Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.* For example, where the inventive entity is A and B, **a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor**, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not). (Emphasis added)

Clearly, by reviewing the Declarations submitted on June 27, 2006, the Office will note that the Declarations name all the inventors. Yes, the inventors signed separately but they are all well aware of the inventive entity because each and every inventor was named on each of the signed Declaration. As such, the section cited by the Office is not relevant to the present situation and applicants have met all the requirements of the Notice of Missing Requirements mailed on April 4, 2006.

Applicants are very concerned regarding the extra amount of work that is required to respond to an unwarranted and incorrect request and will clarify this matter by forwarding a copy to the PCT Supervisor in the PCT Branch. However, to move prosecution forward, all the extra and unnecessary 20 pages are included herewith.

Applicants request that if there are any questions relating to this matter, the undersigned attorney be contacted at 919-286-8089.

Respectfully submitted,



Marianne Fuierer  
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Attorney for Applicants

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Phone: (919) 286-8089  
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Attorney File No.: 014811-487.114US

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/562,478	FIRST NAMED APPLICANT Gordana Kosutic	ATTY. DOCKET NO. 014811-487.114US
INTERNATIONAL APPLICATION NO. PCT/US04/16784		
I.A. FILING DATE 05/27/2004	PRIORITY DATE 06/24/2003	

24239  
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 Research Triangle Park, NC 27709

CONFIRMATION NO. 8427

371 FORMALITIES LETTER



Date Mailed: 11/13/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant of the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/22/2005
- Copy of the International Search Report filed on 12/22/2005
- Copy of IPE Report filed on 12/22/2005
- Preliminary Amendments filed on 12/22/2005
- Information Disclosure Statements filed on 12/22/2005
- Biochemical Sequence Diskette filed on 06/27/2006
- Oath or Declaration filed on 06/27/2006
- Biochemical Sequence Listing filed on 06/27/2006
- U.S. Basic National Fees filed on 12/22/2005
- Assignment filed on 06/27/2006
- Priority Documents filed on 12/22/2005
- Power of Attorney filed on 12/22/2005
- Specification filed on 12/22/2005
- Claims filed on 12/22/2005
- Abstracts filed on 12/22/2005
- Drawings filed on 12/22/2005

Applicant's response filed 06/27/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/05/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - "Where individual declarations are executed, they must be submitted as individual declarations rather

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than combined into one declaration." See MPEP 201.03 (II)(B)

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

~~If you are not using EFS-Web to submit your reply, you must include a copy of this notice.~~

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,478	PCT/US04/16784	014811-487.114US

FORM PCT/DO/EO/916 (371 Formalities Notice)